

COURT OF COMMON PLEAS
FOR THE STATE OF DELAWARE
KENT COUNTY COURTHOUSE
DOVER, DELAWARE 19901
PHONE: (302) 739-4618

CHARLES W. WELCH, III
JUDGE

July 9, 2010

Tabatha L. Castro, Esq.
The Castro Firm, Inc.
1426 N. Clayton Street
Wilmington, DE 19806

John S. Grady, Esq.
Grady & Hampton, LLC
6 North Bradford Street
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RE: Reuter v. Jefferson
C.A. No.: CPU5-09-000587
Decision on Appellants' Motion for Reargument

Dear Ms. Castro and Mr. Grady:

The court is in receipt of the Motion for Reargument filed by Appellants/Defendants-Below, Steven Reuter and Sherry Reuter ("Defendants"), and the Response filed by Appellees/Plaintiffs-below ("Plaintiffs"), Roy Jefferson and Kimberly Jefferson. Such motions are made and considered pursuant to Court of Common Pleas Civil Rule 59(e). This correspondence constitutes the Court's decision on the motion.

Under Delaware law, a motion for reargument will only be granted if "the Court has overlooked a controlling precedent or legal principle, or the Court has misapprehended the law or facts such as would have changed the outcome of the underlying decision." *Simonton v. Orlov*, 2008 WL 2962015, at *2 (Del. Com. Pl.) (quoting *Kennedy v. Invacare Corp.*, 2006 WL 488590, at *1 (Del. Super.)). A party should not use a motion for reargument to rehash arguments already decided by the court. *Id.* (citing *State v. Trump*, 2004 WL 2827958, at *1 (Del. Super.)).

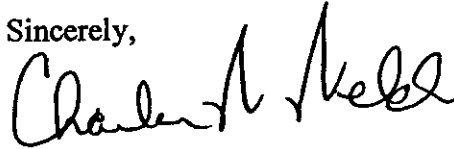
Defendants' motion is no more than an attempt to rehash an issue already decided at trial. Plaintiffs alleged that Defendant Steven Reuter was an owner of A-1

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Construction beginning in their Complaint and throughout the proceedings in this matter. As a result, it appears clear to the Court that the Jeffersons believed Steven Reuter was an owner of A-1 Construction. Furthermore, based on the record in this case, the Court found sufficient evidence to conclude that Steven Reuter owned and controlled the business at the time of the transaction with the Plaintiffs, and acted as an owner. Therefore, Defendants' motion for reargument is denied.

IT IS SO ORDERED.

Sincerely,

A handwritten signature in black ink, appearing to read "Charles W. Welch, III". The signature is fluid and cursive, with the first name "Charles" being the most prominent.

Charles W. Welch, III

CWW:mek